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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR 06 0326 SI
Plaintiff,)
v.) ORDER AND STIPULATION FOR
CLIFFORD DURHAM,) CONTINUANCE FROM OCTOBER 6,
Defendant.) 2006 THROUGH NOVEMBER 17, 2006
AND EXCLUDING TIME FROM THE
SPEEDY TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(8)(A))

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling a status hearing on November 17, 2006 at 11:00 A.M. and documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from October 6, 2006 through November 17, 2006. The parties agree, and the Court finds and holds, as follows:

1. The parties appeared before the Court for in this matter on October 6, 2006 for a status hearing. The parties indicated that they have initiated discussions regarding a potential resolution of the matter that would avoid the need for trial, and that new information has come to light since the last hearing that may impact these discussions.

2. Accordingly, the matter was set for November 17, 2006 at 11:00 a.m. for further status and scheduling.

3. The parties requested an exclusion of time under the Speedy Trial Act for the period

1 from October 6, 2006 through November 17, 2006. The defendant agrees to an exclusion of time
2 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide reasonable time necessary
3 for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
4 3161(h)(8)(B)(iv).

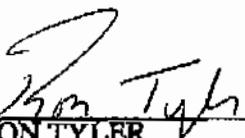
5 4. After consideration of this matter, the Court finds that, taking into account the public
6 interest in the prompt disposition of criminal cases, the ends of justice served by excluding the
7 period from October 6, 2006 through November 17, 2006 outweigh the best interest of the public
8 and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

9 5. Accordingly, and with the consent of the defendant, the Court (1) sets a status hearing
10 on November 17, 2006, at 11:00 A.M., and (2) orders that the period from October 6, 2006
11 through November 17, 2006 be excluded from Speedy Trial Act calculations under 18 U.S.C. §
12 3161(h)(8)(A), (h)(8)(B)(iv).

13 IT IS SO STIPULATED:

14 DATED: 10/16/06

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RON TYLER
Assistant Federal Public Defender

16 DATED: 10/12/06

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/s/
MICHELLE MORGAN-KELLY
Assistant United States Attorney

18 IT IS SO ORDERED.

19 DATED: _____

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THE HONORABLE SUSAN ILLSTON
United States District Court Judge

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